

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Adilabad District – Appeal Petition filed by Sri N.Hari Babu S/o.N.Rama Rao R/o.Tilak Nagar, Nallakunta, Hyderabad (Occ:Gr.IV (Fitter), BHEL, Ramachandrapuram, Hyderabad) under Section 7(2) of the Act 16 of 1993, against the Procs.No.C3/132/2019, dated 01.09.2004 of the Collector & District Magistrate, Hyderabad District – Rejected - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 14

Dated: 16-04-2022,
Read the following:

1. Procs.No.C3/132/2019, dated 01.09.2004 of the Collector & District Magistrate, Hyderabad District,
2. Appeal Petition along with stay petition filed by Sri N.Hari Babu S/o N.Rama Rao R/o Tilak Nagar, Nallakunta, Hyd., dated: 13.09.2004.
3. Govt.Memo No.9282/CV2/2004-1, dated 28.10.2004.
4. From the High Court of A.P. in its orders dated 15.12.2004 in WP.No. 22756 of 2004.
5. From the High Court of A.P. in its orders dated 30.12.2004 in WA No.2189 of 2004.
6. From the District Collector, Hyderabad Lr.No.D6/D1/4273/2000, dated 27.04.2005.
7. Govt.Lr.No.9282/CV2/2004, dated: 05.06.2007 & 01.08.2008.
8. Govt.Lr.No.9282/CV2/2004, dated: 10.06.2010.
9. Govt.Lr.No.9282/TW.LTR.2/2004, dated: 27.07.2016 & 27.10.2016
10. Govt.Memo.No.9282/TW.LTR.2/2004, dated: 17.12.2016.
11. Letter Rc. No.2381/2016/TRI/TSV/VC-7.2020 from the Commissioner of Tribal Welfare, DSS Bhavan, Masab Tank, Hyderabad, dated: 08.06.2018.
12. Govt.Notice.No. 9282/TW.LTR/2004, dated: 23.09.2020, 07.10.2021 & 15.11.2021.
13. Govt.Notice.No. 9282/TW.LTR/2004, dated: 06.12.2021
14. Written Arguments filed by Counsel for the Petitioner on behalf of the Appellant on 07.01.2022

@@@

ORDER:

In the reference 1st read above, the Collector & District Magistrate, Hyderabad has passed orders cancelling the ST Kondakapu Caste Certificate of the Appellant Sri N.Haribabu, Artisan Gr.IV (Fitter), BHEL, Ramachandrapuram, Hyderabad issued by the Mandal Revenue Officer, Amberpet Mandal bearing No.C/182/98, dated.23.01.1998. The gist of the proceedings is as follows:

- Senior Manager, BHEL in his Lr.No.PA/SC-ST Cell/VCC/2000, dt.23.03.2000 informed that Sri N.Hari Babu joined at BHEL against a ST vacancy on 11.05.1997 as an Artisan Gr.IV (Fitter) by producing a caste certificate issued by the Deputy Collector, Warangal District. On a complaint filed by the ST Association of BHEL, the caste certificate was sent to Collector, Warangal for verification. The Collector, Warangal, in turn clarified that the said certificate was issued by the then Deputy Collector of Warangal District in his individual capacity and hence question of cancellation does not arise at their level. A letter was written to Collector, West Godavari District (birth place of Sri N.Hari Babu) for verification of his caste status. The District Collector, West Godavari after due enquiry reported vide his letter No.R.Dis.2819/95 (G3), dated 30.07.1995 to the General Manager, BHEL that Sri N.Hari Babu does not belong to Konda Kapu caste. A charge sheet was issued to Sri N.Haribabu and he denied the charges. During the enquiry, he produced another caste certificate issued by the Mandal Revenue Officer, Amberpet Mandal dated 23.01.1998 stating that he belongs to Konda Kapu caste which falls under ST category. The Deputy General Manager/Personnel Liaison Officer informed that some allegations have been made against Sri N.Hari Babu

(Contd.....2)

about his social status and requested to verify the social status of Sri N.Hari Babu R/o H.No.2-2-21105/1/4, Tilk Nagar, New Nallakunta, Hyderabad-44.

- Matter has been got enquired by the Revenue Divisional Officer, Hyderabad Division and Mandal Revenue Officer, Amberpet Mandal vide references RDO Hyd.Lr.No.E/9995/1999, dated 20.08.2002 and Mandal Revenue Officer, Amberpet (M), Lr.No.C/267/99, dated 26.10.1999.
- Revenue Divisional Officer, Hyderabad Division reported that the caste certificate has been issued by the Mandal Revenue Officer, Amberpet Mandal vide No.C/182/98, dated 23.01.1998 basing on the documents produced by the applicant duly conducting enquiry through Spl.Revenue Inspector of his office and also basing on the statement recorded by the Spl.Revenue Inspector and following documents produced by the applicant Sri N.Hari Babu that he belongs to Konda Kapu community.
 - Affidavit
 - Xerox copy of Birth Certificate issued by the Registrar, Births & Deaths, Eluru Municipality, Eluru, West Godavari District dated 16.01.2003.
 - Xerox copy of office order No.235/90, dated 31.07.1990 of the Superintendent of Police, C.B.I S.P.E Hyderabad in which retirement orders were issued to his father.
 - Xerox copy of studentship certificate for 5th to 7th class issued by the Govt. Boys Upper Primary School, Chikkadpally, Hyderabad during the years 1971-72 to 1973-74.
 - Xerox copy of Bonafide certificate for Class 8th and 9th class during the years 1974-1976 issued by the Head Master, Dr.B.R.Ambedkar High School, Chikkadpally, Hyderabad.
 - Xerox copy of School record of his father Sri N.Rama Rao.
 - Xerox copy of School record of his paternal uncle Sri N.Ranga Rao.
 - Xerox copy of Municipal Property Tax paid to their house bearing No.2-2-1105/1/4, Tilaknagar, Hyderabad.
- He appeared before the DLSC on 30.07.2003 and 03.08.2004 and informed that he has taken caste certificate for the first time in 1980 from the Deputy Collector, Warangal for the purpose of obtaining a job and he studied in Govt. Upper Primary School, Chikkadpally, Hyderabad and passed 7th class in 1974. He has (03) daughters and all (03) have been recorded as ST in their TCs.
- The members of the committee opined that the caste certificate issued to Sri N.Hari Babu by the Deputy Collector, Warangal District without enquiry by the local concerned officer and based on the strength of the certificate issued by Sri Sita Rama Murthy (Sr.Public Prosecutor C.B.I) and P.V.Rama Krishna (Dy. Legal Advisor, C.B.I. Hyd.), is found to be false as per the report of the District Collector, West Godavari.
- He produced Xerox copy of TC issued by the Principal, Govt.Jr.College, Kachiguda, but the applicant's caste is not mentioned in that TC.
- As seen from the Xerox copy of TC of the applicant's father i.e. Sri N.Rama Rao, it was shown as Hindu-Kapu in the caste column and Konda was

(Contd.....3)

subsequently added after 'Kapu'. Hence, it is decided by the DLSC to cancel the ST Konda Kapu caste certificate issued to him by the MRO Amberpet Mandal vide No.C/182/98, dated 23.01.1998.

- The DLSC findings were accepted and in exercise of powers conferred under Sec.5(12) of the AP (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 16/93, the fraudulent S.T. Konda Kapu caste certificate issued by the MRO Amberpet Mandal to Sri N.Hari Babu S/o Sri N.Rama Rao H.No.2-2-1105/1/4, Tilak Nagar, New Nallakunta, Hyderabad vide No.C/182/98, dated 23.01.1998 was cancelled.

2. In the reference 2nd read above, aggrieved by the above orders of the Collector & District Magistrate, Hyderabad, the Sri N.Hari Babu S/o N.Rama Rao, R/o Tilak Nagar, Nallakunta, Hyderabad has filed an Appeal U/s.7(2) of the AP (SC, ST, BCs) Regulation of Issue of Community Certificates Act, 1993. The contentions/grounds of the Appeal are as follows:

- Appellant hails from Polavaram in West Godavari District, which is an agency tract. He belongs to Konda Kapu ST community. His father Sri N.Rama Rao studied at Board High School, Nidedavolu. In the Transfer Certificate issued in the year 1945, his caste was noted as Konda Kapu.
- At the time of joining in Police service, during verification of school record by the Inspector of Police, Kovvur, the Head Master of the school gave certificate dated 29.06.1945 that he was a student of the school, his uncle (brother of father) Sri N.Ranga Rao also studied in the school, his TC issued on 23.10.1953 shows that his caste is Konda Kapu. Thus, the material which is also old as 55 years clinchingly show that the appellant is Konda Kapu by caste.
- Family of the Appellant was moved to Hyderabad as his father was transferred on 25.01.1964 when the appellant was 2 years old – they were settled at Hyderabad after retirement of his father.
- Appellant was appointed as Artisan Grade-IV (Fitter) in BHEL, Ramachandrapuram, Hyderabad vide order No.PA/W4/8383/87 dated 04.05.1987 as an Ex-Apprentice based on his last experience, prior to the said appointment the appellant was appointed as Fitter purely on temporary basis for a period up to 30/06/1986 vide orders dated 28/12/1985, extended for another 5 months. He is presently working as Fitter Grade-II.
- While it so it appears that the Senior Manager, BHEL on the complaint said to have been made by the ST Association of BHEL and sent the caste certificate issued by the Deputy Collector, Warangal in the year 1980. As the correctness of the said certificate was doubted without any valid, the appellant was issued certificated dated 23/01/1998 by the Mandal Revenue Officer, Amberpet. The said certificate affirms that the appellant belongs to Konda Kapu community. Hence the said certificate appears to have been sent for verification.
- He appeared before DLSC and produced documents which included his school records, school record of his father and uncle. The appellant when requested to produce witnesses on his behalf to support his claim, the DLSC informed him that further notice would be given on which date he could produce witnesses. However, the DLSC appears to have closed enquiry without giving opportunity to him and submitted a report to the District Collector stating that he does not belong to Konda Kapu ST community.

(Contd.....4)

::4::

- The District Collector without independently examining the matter and without affording him an opportunity cancelled the caste certificate by order proceedings No.D2/4273/2000, dated 01.09.2004.
- The impugned order is illegal, contrary to law and violative of the principles of natural justice.
- Under Section 5 of the AP (SC, ST, BCs) issue of Community Certificates Act, 1993, the competent authority shall provide an opportunity of making a representation before cancelling a caste certificate. The respondent has not provided such opportunity to the appellant. On this ground alone the impugned order is liable to be set aside.
- The respondent has not furnished copy of the DLSC report to the appellant and the appellant was not made aware of the contents thereof. The report therefore cannot be relied against the appellant.
- The respondent ought to have seen that the report of the Revenue Divisional Officer, Hyderabad Division shows that the appellant belongs to Konda Kapu ST community.
- The respondent failed to note that DLSC did not even consider the report of the RDO Hyderabad Division.
- The respondent failed to note that the DLSC has not provided opportunity to the appellant to produce witnesses in support of his claim.
- The respondent failed to note that the findings of the DLSC that in the TC of appellant's father Konda was subsequently added, is without any basis. The genuineness of the TC could have been got verified without which the said finding is unsustainable.
- The DLSC and the respondent failed to consider the school records of the appellant's uncle (father's brother) which are of the year 1953 in which the caste was noted as Konda Kapu. The non-consideration of the same has resulted in grave miscarriage of justice.
- The respondent is exercising quasi-judicial powers U/s 5 of the Act, as such the respondent ought to have examined the matter independently. Failure to do so vitiates the impugned order.
- The report of the Collector, West Godavari said to have been obtained was not furnished, the said enquiry was behind the back of the appellant, as such the said report cannot be taken into consideration.
- The Committee has to enquire into anthropological and ethnological traits, deity, rituals, customs etc. to finalize its recommendations to the competent authority. It has to compare the material collected by the Revenue and other authorities and finalize the findings. The said procedure was not followed in his case. Hence, the order is liable to be set aside on this ground.

3. In the reference 3rd read above, the Government has admitted the Appeal Petition and rejected the stay petition filed by the Appellant Sri N.Hari Babu S/o N.Rama Rao and a copy of the Appeal Petition was forwarded to the Collector & District Magistrate, Hyderabad with a request to furnish para-wise remarks and connected original case record to Government for disposing the appeal.

4. The appellant Sri N.Hari Babu has filed WP No.22756 of 2004 praying to declare orders of 1st respondent (i.e. Government) in Memo.No.9282/CV2/2004-1, SW (CV2) Dept. dt.28.10.2004 in so far as rejecting the stay petition in respect of orders of 2nd respondent (District Collector, Hyderabad), as illegal and contrary to

(Contd.....5)

law, with further orders suspending the operation of the aforesaid orders of the 2nd respondent herein pending disposal of the appeal before the 1st respondent and grant such other relief or reliefs deemed fit and just.

5. In the reference 4th read above, the Hon'ble High Court in the disposed the above WP No.22756 of 2004 on 15.12.2004 making the following order:

"However, the learned counsel for the petitioner raised several contentions with regard to the manner of conducting enquiry by the District Collector and also the manner of conducting enquiry by the M.R.O. In my considered opinion, the contentions that were raised in the writ petition are not required to be gone into for the simple reason that the subject matter of the proceedings of the District Collector is under challenge before the 1st respondent. Admittedly, the appeal is pending before the 1st respondent. Therefore, the petitioner cannot be permitted to raise the same issue before this court. No doubt, alternative remedy is not a bar for exercising the jurisdiction of this court especially when there is violation of principles of natural justice, but the petitioner has already availed the statutory remedy of filing an appeal before the 1st respondent and it is pending. In such view of the matter, entertaining the writ petition to challenge the orders passed by the District Collector dated 1.09.2004 is nothing but usurping the powers of the appellate authority since the appeal is admittedly pending before the 1st respondent. In pursuance of the orders passed by the 2nd respondent, the petitioner was removed from service. Therefore, at this stage it is not desirable to pass any interim orders since a direction can be given to the 1st respondent to dispose of the appeal filed by the petitioner.

The writ petition is accordingly disposed of setting aside the orders of the 1st respondent in Memo.No.9282/CV2/2004-1, Social Welfare (CV2) Department dated 28.10.2004 and directing the 1st respondent to dispose of the appeal within a period of four months from the date of receipt of a copy of this order. In the circumstances, no costs."

6. Aggrieved by the above orders of the Hon'ble High Court in WP No.22756 of 2004, dt.15.12.2004, the Appellant N.Hari Babu has filed Writ Appeal No.2189 of 2004 for suspension of order passed by the 2nd respondent (Dist. Collector, Hyderabad) pending disposal of the appeal before the 1st respondent (Government).

7. In the reference 5th read above, the Division Bench of the Hon'ble High Court disposed the WA No.2189 of 2004 on 30.12.2004 – operative portion is as follows:

"The learned single Judge after considering the contentions, though set aside the order of the 1st respondent refusing to grant stay, but, however, without granting stay of operation of the order of the 2nd respondent dated 1.9.2004, directed the appellate authority to dispose of the appeal within a period of four months. Hence, the present appeal is preferred by the appellant.

The learned counsel for the appellant contended that as the regular statutory appeal is pending before the 1st respondent, it is in the interests of justice to maintain status quo pending disposal of the appeal and sought for appropriate orders.

Heard the learned counsel.

As the order passed by the 2nd respondent is the subject matter of the statutory appeal, we are of the opinion that the order of the 2nd respondent impugned herein, shall not be given effect pending disposal of the appeal.

In view of the same, the order of the 2nd respondent in Pro.No.D2/4273/2000, dated 1.9.2004, is suspended till the disposal of the statutory appeal pending before the 1st respondent.

(Contd.....6)

Accordingly, modifying the order of the learned single judge to the extent as indicated above, this writ appeal is disposed of."

8. In the reference 6th cited, the Collector, Hyderabad District has submitted the record pertaining to the Appeal in files bearing No.D2/D6/4273/2000 and D.Dis.No.C/182/98 (MRO Amberpet).

9. Government has conducted hearings on 14.06.2007, 04.08.2008, 25.6.2010, 30.7.2016, 03.12.2016, 29.9.2020, 23.10.2021, 20.11.2021 and finally on 23.12.2021. When the Appeal was called on 25.6.2010, Sri T.C.Krishna, Advocate has filed Vakalat on behalf of the Appellant.

10. In the reference 10th read above, Government has requested the Director, TCR&TI, TS, Hyderabad to conduct ethnography study and furnish report to Government.

11. In compliance to the reference 10th read above, the Commissioner (TW), TS, Hyderabad has submitted conducted ethnography study and submitted report to Government vide reference 11th read above – gist of which is as follows:

- Sri N.Haribabu S/o Ramarao originally hails from West Godavari district and belongs to Kapu caste and he studied in Hyderabad and he is not a resident of Warangal district but fraudulently obtained the ST Konda Kapu certificate from the Dy.Collector, Warangal that does not bear any office seal or the name of the office from where it was issued.
- The Appellant was appointed in BHEL against ST quota on the basis of the certificate fraudulently obtained as belonging to ST Konda Kapu. Again he obtained fraudulently the ST Konda Kapu certificate from the MRO Amberpet Mandal, Hyderabad district.
- Vide Lr.Rc.No.2381/2016/TRI/TSV/VC-7, dated 17.12.2016, Sri N.Haribabu S/o Ramarao was directed to attend before Director, TCR&TI, Hyderabad on 22.12.2016 without fail along with elder member of his family who had thorough knowledge about his Konda Kapu community to substantiate his ST claim to furnish the information and adduce the documentary evidence in support of his community claim as belonging to Konda Kapu. But, the Appellant did not appear before the Director, TCR & TI, Hyderabad to furnish the information.
- The Appellant produced invalid community certificate said to be issued by the Deputy Collector, Warangal that does not bear any office seal or the name of the office from where it was issued; clearly indicates that the certificate is a false one and on the basis of it he was appointed in BHEL under ST quota. Subsequently, he also obtained community certificate as belonging to Konda Kapu from MRO Amberpet, Hyderabad district which was cancelled by the District Collector, Hyderabad.
- The Appellant does not belong to ST Konda Kapu. As the Appeal is pending with the Government since 2004, he continued in service taking undue advantage of the shelter on the order dated 26.04.2005 of Hon'ble High Court in Writ Appeal No.481 of 2005.

12. In the reference 13th read above, the case was finally called for hearing on 23.12.2021, the Counsel for Appellant present and prayed two weeks time for submission of Written Arguments. Time was granted. Counsel submitted written arguments on 7.1.2022. The gist of the written arguments as follows:

- The appellant appeared before DLSC and informed that in the year 1980, he obtained caste certificate from the Deputy Collector, Warangal and narrated the facts that they hail from Polavaram in West Godavari Dist. which is an agency track and he belongs to Kondakapu ST community.

(Contd.....7)

- Further, it is the case of appellant that his father Sri N.Rama Rao studied Board High School, Nedadavolu, the school records pertain to Transfer Certificate which clinches the issue that his father is Hindu, Kondakapu, the said certificate was issued on 29.06.1945 which is more than 30 years old document and that the presumption U/s.90 of Indian Evidence Act, 1872; it shall be presumed as genuine.
- It is ventilated by the appellant before the DLSC that his father joined Police Service and his father's school records are verified by the then Inspector of Police, Kovvur. His uncle i.e. brother of his father Mr.N.Ranga Rao also studied in the same school and brought Transfer Certificate on 23.10.1953 wherein and where-under it is affirmed that the father and his brother N Ranga Rao belongs to Kondakapu by caste.
- Before the DLSC, the appellant placed all relevant records including sworn affidavit, apart from that he pleaded that belongs to Kondakapu community which is ST, he has 3 daughters even in their TCs it was mentioned as ST by caste and prayed the DLSC to hold an enquiry at his birth place and wherever his father worked in police department.
- He also stated before the DLSC that even as of now they are following traditions of Kondakapu community by worship of their goddesses following traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies of their community. Finally, he prayed the DLSC to examine with reference to his father's and paternal uncle's caste certificate and they both are State Government servants.
- DLSC appears held the enquiry and closed it abruptly without giving proper opportunity and without enquiring into proper perspective about genuineness of caste certificate issued to appellant.
- As per Rule 8 (d) (4) the Scrutiny Committee shall cause enquiry and collect documentary evidence or any other related evidence about correctness or otherwise of the information furnished or objection raised by any person during the enquiry. It is also made clear under Rule 8 (d) (5), the Scrutiny shall examine the school records, birth registration certificates, if any furnished by the persons during the enquiry. It may also examine any other person who may have knowledge of the community of the appellant. With reference to the claims of Scheduled Tribes, it may examine the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc., of that particular tribe, to finalize its recommendations to the Competent Authority. The DLSC without taking into account their anthropological & ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies etc. recommended to cancel the community certificate of appellant. Copy of report of DLSC not furnished to appellant, as such he was not aware of the contents. The DLSC has not provided opportunity to produce witnesses, and the District Collector has not followed procedure before cancellation of caste certificate as required U/s.5 of the Act – and on this ground alone, the cancellation orders liable to be set aside.

13. On perusal of the record of District Collector, Hyderabad, the Collector, West Godavari District, Eluru in his report in R.Dis.No.2819/95 (G3), dated 30.07.1995 stated as follows:

- Sri Nanduri Rama Rao and Sri Nandigam Mangapathi, father and father-in-law were constables of Armed Reserve Police of West Godavari.
- In 1960, Sri Nanduri Rama Rao, father of the appellant joined in CBI AP Hyderabad on deputation permanently, retired there itself and settled in Hyderabad.

(Contd.....8)

::8::

- Some of their colleagues who are still in service in the cadre of ASI (AR) i.e. Sri T.Sambasiva Rao and Gabriel, who gathered at the time of enquiry stated that they know the family particulars of family of father and father-in-law of the Appellant and that they belong to Kapu community.
- RDO Eluru reported that father-in-law of appellant expired long back and possessed permanent residence at Ameenapeta of Eluru Town, where his mother-in-law and brother-in-law are residing.
- Inhabitants of Ameenapeta expressed that they know the family of Nandigam Mangapathi and they belong to Kapu community.
- During enquiry, particulars of following close relatives of appellant have been gathered from DPO, West Godavari, Eluru and they are all Kapu by caste.

Sl. No.	Name	Presently residing	Relation with Sri N.Haribabu
1.	Nanduri Ramalaxmi	Hyderabad	Mother
2.	Chowdari Subba Rao, Tobacco Merchant	Tanuku	Maternal grandfather
3.	Chowdari Narayana	Kovvur	Brother of maternal grandfather
4.	Nanduri Appa Rao, PC (WG) (retd and died)	Rajahmundry	Paternal grandfather
5.	Nanduri Ramadas	Achanta	Brother of paternal grandfather
6.	Kumara Sitamahalaxmi	Pulla	Grandmother
7.	Kolli Satyanarayana	Pulla	Great grandfather (he adopted grandmother of appellant)
8.	Kumara Veeravenkaiah	Pulla	Maternal great grandfather's brother-in-law
9.	Kumara Nagaiah	Pulla	Brother-in-law of grandfather
10.	Nandigam Sambasivarao	Eluru	Brother-in-law (wife's brother)

- Enquiry revealed that Sri Haribabu does not belong to Konda Kapu community but belong to Kapu which is of open category.

14. The Government after careful examination of the entire case, found that:

- i) The Caste Certificate issued by the Deputy Collector, Warangal on the strength of the certifications made by Senior Public Prosecutor and Dy.Legal Advisor of CBI, Hyderabad purportedly obtained to secure employment in BHEL, Hyderabad, is not a valid one as it did not bear details of any office from where it was issued.
- ii) Appellant claims that he hails from Polavaram agency tracts of West Godavari District. The report of the District Collector, West Godavari District amply speak that he does neither hail from Polavaram agency tracts nor belong to Kondakapu ST community as all his paternal and maternal relatives belong to Kapu community.
- iii) There is no force in the contention of the Appellant that he has been denied opportunities to prove his claim. The proceedings of

(Contd.....9)

::9::

DLSC commenced from 31.3.2000 to 01.09.2004 by cancellation of the Caste Certificate issued by Mandal Revenue Officer, Amberpet; and before the Government from 13.9.2004. Thus, he has been given sufficient opportunity to prove his case before the District Collector, Hyderabad for 4 years 5 months and also before the Government for more than 17 years. On the other hand he contends that as per the Act 16/1993, no ethnographical and anthropological enquiry was conducted which he failed to attend before the TCR&TI, TS, Hyderabad, when summoned for.

iv) According to Section 6 of the Act 16/1993 and also under Rule 6 of the Rules, 1997 framed thereunder, the burden of proof heavily casts on the Appellant to prove his claim before the enquiring authorities – but he failed to do so except selectively contending that Kondakapu ST community was mentioned in the Transfer Certificates of his father and paternal uncle, which do not suffice. Further, in the Transfer Certificate of his father, "Kondkapu" was added subsequently after the words "Hindu-Kapu" under Col.No.3.

15. Therefore, in view of the above findings, Government hereby uphold orders passed by the Collector & District Magistrate, Hyderabad in Procs.No.D2/4273/2000, dt.01.09.2004 and accordingly reject the Appeal filed by the Appellant Sri N.Haribabu S/o N.Rama Rao R/o Tilak Nagar, Nallakunta, Hyderabad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

The Collector and District Magistrate, Hyderabad District (w.e)
(with a request to serve order copy to the individual and to send dated Acknowledgement to Government.)(By RPAD)

Sri N.Hari Babu S/o N.Rama Rao,
R/o. H.No. 2-2-1105/35, Flat No. 402, R.R Golden Shelter,
Tilak Nagar, Hyderabad- 500044. (BY RPAD)

Copy to:

Sri T.C. Krishnan, Advocate, 16-2-674/2, Flat No.501-A, Specturm Square
Apartments, 5th Floor, Judges Colony, Malakpet, Hyderabad-500036.

The Manager/HR-NEX, (Human Resource Management)
Bharath Heavy Electricals Limited, Heavy Power Equipment Plant,
Ramachandrapuram, Hyderabad-502032.

The Commissioner of Tribal Welfare, TS, Hyderabad(for information)

The Director, TCR&TI, DSS Bhavan, Hyderabad (for information)

The P.S. to Minister for ST Welfare (for information)

The PS to Secretary to Government (TW)

The PS to Special Secretary to Government (TW)

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER